

Shanti Lewallen, OSB No. 143740

shantilewallen@gmail.com

Lee Dudley, OSB No. 206821

lcdlex@gmail.com

LEWALLEN LAW, LLC

735 SW First Avenue, Suite 300

Portland, OR 97204

Telephone: (503) 997-5447

Attorneys for Plaintiff

Helen M. McFarland, OSB 013176

hmcfarland@seyfarth.com

SEYFARTH SHAW LLP

999 Third Avenue, Suite 4700

Seattle, WA 98104-4041

Tel: (206) 946-4910

Christopher J. DeGroff (*Admitted Pro Hac Vice*)

cdegroff@seyfarth.com

SEYFARTH SHAW LLP

233 South Wacker Drivel Suite 8000

Chicago, IL 60606-6448

Tel: (312) 460-5000

Attorneys for Defendant Intel Corporation

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

RON TSUR,

Plaintiff,

v.

INTEL CORPORATION,

Defendant.

Case No. 3:21-cv-00655-SI

JOINT DISCOVERY PLAN

Pursuant to Rule 26(f) and Local Rule 26-1, Plaintiff Ron Tsur and Defendant Intel Corporation, by and through their respective counsel of record, respectfully submit this Joint Discovery Plan for the Court's consideration.

I. Statement of the Case

The parties participated in a Rule 26(f) conference on November 9, 2021 through counsel for Plaintiff, Shanti S. Lewallen and counsel for Defendant, Helen McFarland.

A. Plaintiff's Statement of the Case

Plaintiff brings claims against Defendant for discrimination and retaliation on the basis of age, whistleblower status and national origin, related to adverse employment action by Defendant's agents, including Defendant's termination of Plaintiff's employment on July 15, 2015.

B. Defendant's Statement of the Case

Plaintiff was an employee of Intel from January 2011 until July 15, 2015, when he was separated through a 2015 cost-saving program that impacted 1,155 domestic employees. Defendant denies that Plaintiff was selected because of his age, national origin, or in retaliation for any conduct or complaints that he may have made during his employment. Defendant contends that this lawsuit lacks merit and should be dismissed.

II. Initial Disclosures

The parties will proceed with Initial Discovery Protocols pursuant to Local Rule 26-7, and agree to exchange Initial Disclosures on December 13, 2021. The parties agree to supplement these disclosures as required by applicable law.

III. Discovery Plan

The parties propose the following discovery plan:

- a. Discovery will include these subjects: Matters arising from and related to Plaintiff's employment with defendant, including but not limited to: his termination, the existence, nature and amount of alleged damages incurred, and plaintiff's efforts to mitigate alleged damages.
- b. Disclosure or discovery of electronically stored information (ESI) should be handled as follows: The parties shall use good faith efforts to identify custodians and implement search terms to find documents responsive to discovery requests seeking ESI. The parties will produce ESI in the form of OCR, text-searchable PDF's. Absent a showing of specific need and good cause, the parties will not produce ESI in native format or provide the metadata for the native files.
- c. All lay witness and document discovery will be completed by August 1, 2022.
- d. Dispositive motions will be filed on or by September 29, 2022.
- e. Interrogatories. The parties agree to adhere to the limits and requirements of Federal Rule of Civil Procedure 33 and Local Rule 33.
- f. Requests for Admission. The parties agree to adhere to the requirements of Federal Rule of Civil Procedure 36 and Local Rule 36.
- g. Depositions. The parties will take depositions in accordance with the Federal Rules of Civil Procedure.
- h. Expert Witness Reports. Plaintiff would like to set an expert witness disclosure date after Dispositive Motions have been resolved. Defendant proposes that Plaintiff's expert witness disclosure and reports be exchanged by August 15, 2022 and that Defendant's expert disclosure and reports be exchanged by September 15, 2022.
- i. The parties anticipate executing a Stipulated Protective Order that is modeled on the District of Oregon model protective order.

IV. Proposed Deadline For Joining Additional Parties

Plaintiff has indicated that he does not currently anticipate joining additional parties or amending his Complaint. However, he does not wish to set a deadline for joining additional parties or amending his Complaint until after the Deadline to Complete Fact Discovery.

Defendant proposes a deadline of December 1, 2021 for joining additional parties and amending all pleadings.

V. Other Issues

- a. The parties propose a trial beginning at least 60 days after dispositive motions are ruled on. Plaintiff estimates the trial will be as long as 14 days. Defendant estimates this trial will be 7-10 days at most.
- b. Prospects for settlement. The parties are currently unable to assess the likelihood of settlement, but will reassess settlement prospects as the case proceeds.
- c. Potential ADR. At this time, the parties do not believe this case is appropriate for alternative dispute resolution, but will assess the appropriateness of ADR as the case proceeds.

SUBMITTED BY THE FOLLOWING COUNSEL OF RECORD

/s/ Shanti Lewallen

Shanti Lewallen, OSB No. 143740
shantilewallen@gmail.com

Of Attorneys for Plaintiff

/s/ Helen M. McFarland

Helen McFarland, OSB No. 013176
hmcfarland@seyfarth.com
SEYFARTH SHAW, LLP
999 Third Avenue, Suite 4700
Seattle, WA 98104
Tel: 206-946-4910

Of Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that I served the foregoing *Joint Discovery Plan* on this 22nd day of November 2021, by:

- Facsimile
- First Class Mail
- Hand-Delivery
- E-mail
- CM/ECF Service

directing a true copy thereof to Defendants' attorneys at the address(es) shown below:

Helen M. McFarland
hmcfarland@seyfarth.com
SEYFARTH SHAW LLP
999 Third Avenue, Suite 4700
Seattle, WA 98104-4041

Christopher J. DeGroff
cdegroff@seyfarth.com
SEYFARTH SHAW LLP
233 South Wacker Drive, Suite 8000
Chicago, IL 60606-6448

Of Attorneys for Defendant

Shardé T. Skahan
sskahan@seyfarth.com
SEYFARTH SHAW LLP
2029 Century Park East, Suite 3500
Los Angeles, CA 90067-3021

Of Attorneys for Defendant

Of Attorneys for Defendant

DATED this 22nd day of November 2021.

LEWALLEN LAW, LLC

s/ Shanti Lewallen
Shanti S. Lewallen, OSB #143740
shantilewallen@gmail.com

Attorney for Plaintiff